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Docket: ATM-2239

Applicant : Peter KANCSAR et al.
Serial No. : 09/926,584
Filed : November 21, 2001
For : BLISTER PACKAGE

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed is an English-language translation of the International
Preliminary Examination Report from applicants' International Patent
Application No. PCT/EP00/04332.

Respectfully submitted,

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DATE: Dec. 26, 2001

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<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on <u>Dec. 26, 2001</u> <i>[Signature]</i> FISHER, CHRISTEN & SABOL 1725 Street, N.W. Suite 1401 Washington, D.C. 20006</p>

Translation



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

5

Applicant's or agent's file reference PB/mw 2239WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/04332	International filing date (day/month/year) 13 May 2000 (13.05.00)	Priority date (day/month/year) 02 June 1999 (02.06.99)
International Patent Classification (IPC) or national classification and IPC B65D 75/34		
Applicant ALUSUISSE TECHNOLOGY & MANAGEMENT AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 9 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 22 December 2000 (22.12.00)	Date of completion of this report 11 September 2001 (11.09.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/04332

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-11 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-18 _____, filed with the letter of _____ 20 April 2001 (20.04.2001)
- ☒ the drawings:
pages _____ 1/5-5/5 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

See annex

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3.

Lack of unity of invention

1. The different inventions are:

Invention I: Claims 1-12

Blister pack with an opening aid arranged on a surface part associated with the opening to the recess and consisting of a surface portion bordered by a separating line, the surface part having a fold line.

Invention II: Claims 13-18

Blister pack with an opening aid which can be detached from the shoulder area along separating lines, a rolling element being arranged on the edge of the blister pack facing the opening aid.

The general concept linking independent Claims 1 and 13 is clearly that of a blister pack with an opening aid which is arranged on a surface part or shoulder area and is bordered by separating lines. This concept is, however, already known from US-A-4 231 477 (D1).

The special technical feature defining the contribution made by Claim 1 to the prior art (D1) is that the surface part has a fold line.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3.

Neither this nor a corresponding technical feature
is contained in Claim 13.

2. Consequently, the different inventions are not so
linked as to form a single general inventive
concept (PCT Rule 13.1).

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: US-A-4 231 477 (DE FELICE WILFRIED)
4 November 1980 (1980-11-04).

2. Document D1, which is regarded as the closest prior art, discloses (see column 1, line 64 to column 2, line 20; Figures 1-3) a blister pack from which the subject matter of Claim 1 differs in that the surface part has a fold line along which the surface part can be bent away from the blister pack and can be twisted at least on the concave side of the recess.

The present invention can therefore be considered to address the problem of simplifying the bending of the surface part above the recess.

Insofar as the objection to lack of clarity has been removed (see Box VIII), the solution is not disclosed by the available prior art and is not considered to be obvious to a person skilled in the art. Claim 1 therefore meets the requirements of PCT Article 33(2) and (3).

3. Claims 2 to 9 are dependent on Claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.
4. Method Claims 10 and 11 refer to Claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step (see also Box VIII).
5. Use Claim 12 refers to Claim 1 and therefore likewise meets the PCT requirements for novelty and inventive step.
6. Document D1, which is regarded as the closest prior art, discloses a blister pack from which the subject matter of Claim 13 differs in that a rolling element is arranged on the edge of the blister pack facing the opening aid.

The present invention can be considered to address the problem of simplifying the removal of the opening aid from the surface part and the placing of the opening aid on the recess.

The solution is not disclosed by the available prior art and is not considered to be obvious to a person skilled in the art. Consequently, insofar as the objection under PCT Article 34(2)(b) has been removed (see Box VIII), Claim 13 meets the requirements of PCT Article 33(2) and (3).

7. Claims 14 to 16 are dependent on Claim 13 and therefore likewise meet the PCT requirements for novelty and inventive step.
8. Method Claim 17 refers to Claim 13 and therefore

likewise meets the PCT requirements for novelty and inventive step (see also Box VIII).

9. Use Claim 18 refers to Claim 13 and therefore likewise meets the PCT requirements for novelty and inventive step (see also Box VIII).

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Although Claims 1 and 13 are drafted in the two-part form, some of the features are incorrectly included in the characterising part, since they were disclosed by document D1 in combination with the features specified in the preamble (PCT Rule 6.3(b)).
2. Contrary to PCT Rule 5.1(a)(iii), the description is inconsistent with the claims.
3. Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 nor the relevant prior art disclosed therein.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. In Claim 1 it should have been made clear (PCT Article 6) that the opening aid is placed on the concave side of the recess by folding the surface part.

2. In Claim 10 it should have been made clear (PCT Article 6) that fold lines (7) are provided, as defined in Claim 11.

Furthermore, said fold lines (7') defined in the above claim are not defined until Claim 3 and are therefore not defined in Claim 1 (PCT Article 6).

3. The characterising part of the new Claim 13 corresponds to the original Claim 8 except for the following feature: "the rolling element is connected to the edge section by gluing or sealing".

The claim has therefore been extended. Since the original application offers no basis for such an extension, the thus amended application goes beyond the original disclosure and therefore contravenes PCT Article 34(2)(b).

Furthermore, the above claim should have made clear (PCT Article 6) that the edge or tip of the cover foil (5) lies above the opening to the recess (4), as specified in the original Claim 8.

4. In Claim 17 it should have been made clear (PCT Article 6) that a rolling element is attached by

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VIII. Certain observations on the international application

means of gluing or sealing to the edge of the
blister pack facing the opening aid.

5. In addition, in Claim 18 it should be made clear
(PCT Article 6) that said claim refers to Claim 13.